

TOWN OF PARADISE
Urgency Ordinance No. 578

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
REPEALING ORDINANCE NO. 575 AND ADOPTING A NEW URGENCY ORDINANCE
RELATING TO INTERIM HOUSING AND ACCESSORY BUILDING(S) INSIDE THE
CAMP FIRE AREA

The Town Council of the Town of Paradise does ordain as follows:

Section 1. Ordinance No. 575 is hereby repealed.

The Town Council of the Town of Paradise does ordain as follows:

Section 2. Emergency Findings.

This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council, based on determinations of the Butte County Local Health Officer, finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon facts set forth in Section 3 of this Ordinance.

Section 3.

A. Conditions of extreme peril to the safety of persons and property within the Town of Paradise were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.

B. California Government Code Section 8630 empowers the Town Director of Emergency Services (Director) to proclaim the existence of a local emergency when the Town is affected or

likely to be affected by a public calamity, subject to ratification by the Town Council at the earliest practicable time.

C. On November 8, 2018, the Director proclaimed the existence of a local emergency within the Town due to the Camp Fire.

D. On November 8, 2018, the Acting Governor of the State of California proclaimed a State of Emergency for Butte County pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and on November 14, 2018, the Governor issued Executive Order B-57-18 concerning the Camp Fire.

E. On November 9, 2018, the Camp Fire was still burning through the Town and despite firefighters' best efforts, the wildfire was not contained. Evacuation orders were in place and numerous severe public health and safety hazards were present in the Camp Fire area, including many blocked roads from fallen power lines, burned trees and vehicles, numerous burned vehicles were left throughout the Camp Fire area due to survivors fleeing their vehicles in efforts to survive the wildfire, no available utilities, no available public services and the presence of human remains and animal carcasses. At the time, the Town estimated that 2,000 structures had burned in the Camp Fire.

F. On November 9, 2018, Dr. Andrew Miller, Butte County's Local Health Officer, issued a Declaration of Health Emergency pursuant to California Health and Safety Code section 101080.

1 Dr. Miller's declaration stated that the local health
2 emergency was a consequence of the debris resulting from the
3 Camp Fire that contains hazardous material in the ash of the
4 burned qualifying structures. The purpose of the Declaration
5 was to address the immediate threat to the public health and
6 the imminent and proximate threat of the introduction of
7 contagious, infectious or communicable disease, chemical
8 agents, non-communicable biologic agents, toxins and/or
9 radioactive agents present at the time in the Camp Fire area.
10 The threats included (1) the enormous amount of fire debris
11 present in the Camp Fire area, including ash and debris
12 containing hazardous materials and probable radioactive
13 materials present in ash and debris from qualifying
14 structures, (2) the threat of infectious or communicable
15 disease and/or non-communicable biologic agents due to animal
16 carcasses, radioactive waste and perishable foods, (3) the
17 potential contamination or destruction of the residential and
18 commercial water supply in the Camp Fire area and (4) the
19 potential pollution of the drinking water downstream from the
20 Camp Fire area if weather conditions caused the spread of the
21 hazardous materials in the ash and debris of burned qualifying
22 structures.

23 G. On November 12, 2018, the President of the United States
24 declared the existence of a major disaster in the State of
25 California, providing assistance from many federal agencies,
26 including the Federal Emergency Management Agency (FEMA).

1 H. On November 13, 2018, the Butte County Board of Supervisors
2 ratified Dr. Miller's Declaration of Health Emergency.

3 I. On November 21, 2018, the status of the Camp Fire area was as
4 follows: firefighters had contained the Camp Fire; the
5 Sheriff had lifted evacuation orders; work crews had removed
6 fallen power lines, burned vehicles and trees blocking the
7 roads; utilities including electric power, gas and non-
8 potable water had become available; no local businesses were
9 open to serve the public; and no public services were
10 available. Further, preliminary actions had been taken to
11 mitigate the risk from animal carcasses, radioactive waste
12 and perishable foods in the Camp Fire area, however, concerns
13 regarding the threats remained. The public health hazards
14 present in the Camp Fire area included (1) the public health
15 hazards from the enormous amount of fire debris, (2) the
16 public health hazard from the hazardous materials and
17 probable radioactive materials present in the ash and debris
18 from destroyed qualifying structures, (3) the threat of
19 infectious or communicable disease and/or non-communicable
20 biologic agent due to the presence of animal carcasses,
21 perishable foods and radioactive waste and (4) the potential
22 pollution of the drinking water downstream from the Camp Fire
23 area if weather conditions caused the spread of the hazardous
24 materials in the ash and debris of burned qualifying
25 structures. At the time, the Camp Fire had destroyed thousands
26 of structures.

1 J. On November 21, 2018, Dr. Miller issued a Hazard Advisory
2 strongly suggesting residents should not reside on property
3 with qualifying structures damaged or destroyed by the Camp
4 Fire until the property had been cleared of hazardous waste,
5 ash and debris and certified clean by the County Department
6 of Public Health, Environmental Health Division. The County
7 Department of Public Health provided residents with re-entry
8 packets which included personal protective equipment and
9 information on the dangerous conditions and toxic materials
10 present in the Camp Fire area. The re-entry packets were
11 intended to improve the safety of the residents who chose to
12 visit their properties to collect valuables and not intended
13 to encourage long-term visitation or habitation. The purpose
14 of the Hazard Advisory was to address the public health
15 hazards present at the time in the Camp Fire area, including
16 (1) the enormous amount of fire debris present in the Camp
17 Fire area, (2) the hazardous materials and probable
18 radioactive materials present in ash and debris from
19 qualifying structures, (3) the lessened but still present
20 threat of infectious or communicable disease and/or non-
21 communicable biologic agents due to animal carcasses,
22 radioactive waste and perishable foods, (4) the potential
23 contamination or destruction of the residential and
24 commercial water supply in the Camp Fire area and (5) the
25 potential pollution of the drinking water downstream from the
26 Camp Fire area if weather conditions caused the spread of the

1 hazardous materials in the ash and debris of burned qualifying
2 structures.

3 K. The Camp Fire to date has consumed 153,336 acres and has led
4 to the destruction of 13,696 residences, damage to 462
5 residences, the destruction of 276 multiple family
6 residences, the destruction of 528 commercial buildings,
7 damage to 102 commercial buildings, the destruction of 4,293
8 other minor structures, and resulted in the evacuation of
9 over 50,000 people. As a result, the Camp Fire has created an
10 enormous amount of debris.

11 L. There exists the potential for widespread toxic exposures and
12 threats to public health and the environment in the aftermath
13 of a major wildfire disaster, and debris and ash from
14 residential and commercial structure fires contain hazardous
15 materials and the harmful health effects of hazardous
16 materials produced by a wildfire are well-documented.

17 M. The combustion of building materials such as siding, roofing
18 tiles, and insulation results in dangerous ash that may
19 contain asbestos, heavy metals and other hazardous materials.
20 Household hazardous waste such as paint, gasoline, cleaning
21 products, pesticides, compressed gas cylinders, and chemicals
22 may have been stored in homes, garages, or sheds that may
23 have burned in the fire, also producing hazardous materials.

24 N. Exposure to hazardous materials may lead to acute and chronic
25 health effects and may cause long-term public health and
26 environmental impacts. Uncontrolled hazardous materials and

1 debris pose significant threats to public health through
2 inhalation of dust particles and contamination of drinking
3 water supplies. Improper handling can expose residents and
4 workers to toxic materials, and improper transport and
5 disposal of fire debris can spread hazardous substances
6 throughout the community.

7 O. Standards and removal procedures are needed immediately to
8 protect the public health and environment, and to facilitate
9 coordinated and effective mitigation of the risks to the
10 public health and environment from the health hazards
11 generated by the Camp Fire disaster.

12 P. The Camp Fire has created hazardous waste conditions in the
13 Town of Paradise in the form of contaminated debris from
14 household hazardous waste/materials and structural debris
15 resulting from the destruction of thousands of structures.
16 This hazardous waste debris poses a substantial present or
17 potential hazard to human health and the environment until
18 the property is certified clean. The accumulated exposure to
19 hazardous waste debris over an extended period of time poses
20 a severe hazard to human health.

21 Q. The Town of Paradise previously approved Ordinance No. 572,
22 Ordinance No. 573, and Ordinance No. 575 as urgency measures
23 relating to the Camp Fire disaster recovery on December 12,
24 2018, The actions addressed the need for the regulation of
25 debris removal to alleviate the public health, safety and
26 welfare concerns associated with the ash and debris of

1 qualifying structures and temporary emergency housing
2 options.

3 R. As of February 4, 2019, the status of the Camp Fire disaster
4 recovery **was** as follows: (1) Phase I cleanup by the U.S.
5 Environmental Protection Agency and the California Department
6 of Toxic Substances Control is complete, which has reduced
7 the public health concerns relating to the most hazardous
8 materials present in the Camp Fire area, (2) Phase II of the
9 cleanup pursuant to the Government (CalOES) Program and the
10 Alternative Program has commenced, (3) utilities are
11 available (except for potable water), (4) numerous businesses
12 have opened to serve the public, (5) public services are
13 available, including a FEMA and CalOES jointly-operated
14 Disaster Recovery Center in Paradise, California. Current
15 threats include (1) the enormous amount of fire debris present
16 in the Camp Fire area, (2) hazardous materials and probable
17 radioactive materials present in ash and debris from
18 qualifying structures, (2) the potential pollution of the
19 drinking water downstream from the Camp Fire area if weather
20 conditions caused the spread of the hazardous materials in
21 the ash and debris of burned qualifying structures. The
22 purpose of this Ordinance is to allow residents to live on
23 properties in the Camp Fire area that do not contain fire ash
24 and debris from a qualifying structure destroyed or damaged
25 by the Camp Fire.

1 S. The Debris Removal Operations Plan for the Camp Fire prepared
2 by the CalOES/CalRecycle Incident Management Team provides
3 that the DTSC has issued reports regarding the assessment of
4 burn debris from wildfires in the past. The studies of burned
5 residential homes and structures from large scale wildland
6 fires indicated that the resulting ash and debris can contain
7 asbestos and toxic concentrated amounts of heavy metals such
8 as antimony, arsenic, cadmium, copper, lead, and zinc
9 (qualifying structures). Additionally, the ash and debris may
10 contain higher concentrations of lead if the home was built
11 prior 1978 when lead was banned from household paint in the
12 United States. The reports indicated that the residual ash of
13 burned residential homes and structures has high
14 concentrations of heavy metals that can be toxic and can have
15 significant impact to individual properties, local
16 communities, and watersheds if the ash and debris is not
17 removed safely and promptly. The plan also indicates that the
18 purpose of the structural debris removal program is to remove
19 debris that poses a risk to health and/or the environment.
20 Debris from structures smaller than 120 square feet are not
21 included in the program.

22 T. The Butte County Local Health Officer Dr. Miller has indicated
23 that the Phase II cleanup of the properties containing ash
24 and debris from a qualifying structure mitigates the public
25 health hazards of the Camp Fire. Further, failing to clean
26 properties containing ash and debris from a qualifying

1 structure can have severely negative long term consequences
2 to the public health and environment. Therefore, the focus
3 must be on accomplishment of the Phase II cleanup to address
4 the public health hazards. The standard for determining when
5 a property is clean from ash and debris from a qualifying
6 structure is when the Phase II cleanup work is complete and
7 the property is certified clean by the County Department of
8 Public Health, Environmental Health Division. Ash and debris
9 of qualifying structures is the focus of the Phase II cleanup
10 work. The significance of the public health risks is higher
11 on properties with ash and debris from a qualifying structure.
12 Given the progress the Camp Fire disaster recovery has made
13 with respect to the hazards identified in the findings above,
14 the remaining significant public health hazard is the ash and
15 debris from qualifying structures. Based on the foregoing
16 properties that contain ash and debris from qualifying
17 structures constitute a significant public health risk.
18 Therefore, those properties should be ineligible for
19 temporary emergency housing until Phase II cleanup work is
20 completed on the property and is certified clean by the
21 Department of Public Health, Environmental Health Division.
22 Properties that do not contain ash and debris from a
23 qualifying structure do not pose a significant public health
24 risk and should be eligible for temporary emergency housing.

25 U. Due to the magnitude of the destruction, there is a need to
26 provide for sufficient housing options both inside and

1 outside of the Camp Fire affected area. Thus, on February 4,
2 2019, the Town of Paradise adopted Ordinance No. 575 that
3 repealed Ordinance No. 573 and established an ordinance that
4 temporarily relaxes some building and zoning regulations to
5 allow for additional interim housing both inside and outside
6 of the Camp Fire affected area for displaced persons.

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10 V. There exists an immediate need to provide accessory buildings
11 to accommodate storage of personal property of persons
12 displaced by the Camp Fire who own Eligible Property that has
13 been certified clean pursuant to Phase II requirements by the
14 County Department of Public Health, Environmental Health
15 Division. This Ordinance temporarily relaxes some Town zoning
16 regulations to allow for establishment of an accessory
17 building on property both inside and outside of the Camp Fire
18 affected area for the displaced persons for the storage of
19 essential equipment necessary to the recovery from the
20 damages caused by the Camp Fire. Due to the magnitude of the
21 destruction and its related and significant impacts on
22 properties, there is a need to provide displaced property
23 owners with the option of constructing accessory buildings
24 both inside and outside of the Camp Fire affected area without
25 first obtaining building permits for primary residences on
26 their properties.

1 W. It is essential that this Ordinance become immediately
2 effective (1) to mitigate the harm that could be caused to
3 the public health and safety and to the environment from the
4 improper disturbance, removal and/or disposal of debris
5 containing hazardous materials, and to facilitate the orderly
6 response to the Camp Fire disaster; and (2) to allow the
7 fastest possible transition of homeless and displaced
8 residents to interim and long-term shelter; and (3) to allow
9 displaced persons who own Eligible Property certified clean
10 pursuant to Phase II requirements an option to establish an
11 accessory building on their property to better facilitate and
12 further expedite their property maintenance and storage of
13 essential equipment required to allow for the property
14 rebuild process.

15
16 **Section 4. Purpose.**

17 13,696 homes were destroyed by the Camp Fire in the Town of
18 Paradise and surrounding unincorporated areas. This disaster has
19 created a need for housing on a scale that cannot be accommodated
20 through the existing available housing in the Town. To meet the
21 immediate need for housing, the Town relaxed some building and
22 zoning regulations in a prior Ordinance to allow for additional
23 temporary housing. However, this additional temporary housing may
24 not be sufficient to meet the large and immediate need. This
25 Ordinance relaxes some building and zoning regulations to allow
26 for additional temporary housing inside the Camp Fire affected

1 area. Persons moving back to the area do so at their own risk and
2 should make themselves aware of the health hazards of doing so.
3 The Ordinance allows persons to place temporary housing on an
4 Eligible Property. This Ordinance also provides an option for
5 affected property owners to establish an accessory building on
6 their Eligible Property without first obtaining a building permit
7 for a primary residence. The purpose of this Ordinance is to
8 develop reasonable standards that allow persons to move back into
9 the Camp Fire affected area while a massive debris removal program
10 is implemented and, at the same time, provide interim shelter as
11 well as an option of an accessory building for property maintenance
12 equipment and rebuild materials storage for Town residents on
13 private property during this housing crisis.

14 15 **Section 5. Definitions.**

16 Except where the context clearly indicates otherwise, the
17 following definitions shall govern the construction of the words
18 and phrases used in this Ordinance:

19 Accessory Building. Any structure having a permanent foundation
20 and a roof supported by columns or walls designed, intended and/or
21 used for the protection and storage of personal property associated
22 with a permitted or conditionally permitted Principal Use on the
23 same site.

24 **Camp Fire.** A 153,336-acre wildfire that started near the community
25 of Pulga on November 8, 2018, destroying over 18,000 structures,
26 which forced the evacuation of the Town of Paradise, Berry Creek,

1 Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow,
2 Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee
3 Hill, and other areas near the Cities of Chico and Oroville, and
4 proclaimed by the Town Council under Resolution 18-42, as a local
5 emergency, and also proclaimed by then Acting Governor Gavin Newsom
6 as a state of emergency. CAL FIRE maintains a map showing the final
7 boundaries of the Camp Fire and the Camp Fire affected area, as of
8 November 25, 2018 at 100 percent containment.

9 **Cargo Storage Container.** A single metal box made of steel or other
10 similar material, which is designed for securing and protecting
11 items for temporary storage, not exceeding three hundred twenty
12 (320) square feet in size, without utilities, and not used for
13 human habitation.

14 **Director.** The Town of Paradise Director of Emergency Services or
15 his or her authorized representative.

16 **Displaced Person(s).** A Town resident or residents whose
17 residential dwelling has been destroyed or damaged by the Camp
18 Fire, such that the resident(s) cannot occupy the dwelling.
19 Displaced person(s) may be required to provide verification to the
20 county to substantiate their eligibility for uses, permits and/or
21 approvals described in this article. Evidence may consist of
22 verification by Federal Emergency Management Agency (FEMA)
23 registration or damage assessment, and/or a driver's license or
24 other government-issued identification card or utility bill, etc.
25 with a physical address showing the resident resided on a property
26 impacted by the Camp Fire, as determined by the Town. Such

determination may be made by the Director or other town personnel.

Effective Date. The date of the Town Council adoption of this Ordinance.

Eligible Property. A property that does not contain fire debris or hazardous materials from a qualifying structure that was damaged or destroyed by the Camp Fire. Eligible Property shall include (1) parcels with no resulting damage or fire debris from the Camp Fire (2) parcels with fire debris from a structure that was not a qualifying structure that was damaged or destroyed by the Camp Fire and (3) parcels with fire debris or hazardous materials from a qualifying structure that was damaged or destroyed by the Camp Fire, only upon the issuance of a certificate that the parcel has been cleaned pursuant to Phase II requirements by the County Department of Public Health, Environmental Health Division. Temporary housing and/or establishment of an accessory building pursuant to this Ordinance shall be permitted as reflected in the table below:

	Property not damaged by Camp Fire	Property with a non-qualifying structure damaged or destroyed by Camp Fire	Property with a qualifying structure damaged or destroyed by Camp Fire
Prior to completion of Phase II cleanup	Temporary housing allowed	Temporary housing allowed	Temporary housing prohibited

Following completion of Phase II cleanup (property certified clean by the Department of Public Health, Environmental Health Division)	Temporary housing allowed Accessory Building Allowed	Temporary housing allowed Accessory Building Allowed	Temporary housing allowed Accessory Building Allowed
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FEMA. The Federal Emergency Management Agency or successor agency.

Fire Debris and Hazardous Materials. Debris, ash, metals, and completely or partially incinerated substances from structures that are located on properties that qualify under the CalOES Debris Removal Program or the Butte County's Alternative Debris Removal Program.

Movable Tiny House. For the purposes of this Ordinance, a movable tiny house is a structure utilized as living quarters by one household that is licensed by and registered with the California Department of Motor Vehicles, meets the American National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192) requirements and is certified by a qualified third party inspector for ANSI compliance, cannot move under its own power, is not longer than allowed by State law for movement on public highways, has a total floor area of not less than 150 square feet, and has no more than 430 square feet of habitable living space.

1 **Phase I.** The hazardous waste cleanup as defined and discussed in
2 Section 3, Debris Removal, above.

3 **Phase II.** The hazardous waste, fire debris and ash cleanup as
4 defined in Section 3, Debris Removal, above.

5 **Qualifying Structure.** A qualifying structure as defined and
6 discussed in Section 3, Debris Removal, above.

7 **Recreational Vehicle.** A motor home, travel trailer, truck camper
8 or camping trailer that is: (1) self-contained with potable water
9 and sewage tanks and designed for human habitation for recreational
10 or emergency occupancy; (2) self-propelled, truck-mounted, or
11 permanently towable on California roadways; and (3) a California
12 Department of Motor Vehicles licensed vehicle, or a similar vehicle
13 or structure as determined by the Director.

14 **Recreational Vehicle Park.** A commercial use providing space for
15 the accommodation of more than two recreational vehicles for
16 recreational or emergency housing, or for transient employee
17 lodging purposes.

18 **Temporary Dwelling.** A temporary dwelling includes a recreational
19 vehicle and a movable tiny house.

20
21 **Section 6. Initial use of temporary dwellings.**

22 Residential use and occupancy of up to two (2) temporary dwellings
23 on any Eligible Property that permits a residential use shall be
24 allowed for an initial term of 180 days from the date of this
25 Ordinance was enacted subject to the applicable requirements set
26 forth under Section 8, Standards.

1
2 **Section 7. Temporary dwellings with utility hook-ups.**

3 Residential use and occupancy of up to two (2) temporary dwellings,
4 including any temporary dwellings allowed under section 6,
5 utilizing hook-ups for water, sewage disposal, and/or electricity
6 on an Eligible Property shall be allowed during the effective
7 period of this Ordinance subject to a temporary use permit, and
8 subject to the applicable requirements set forth in Section 8,
9 Standards.

10
11 **Section 8. Standards.**

12 All residential use of temporary dwellings and storage use of cargo
13 storage containers shall meet the following standards.

14
15 A. At all times, the property owner or the property owner's
16 authorized agent shall obtain all Town permits for all
17 temporary dwellings that are hooked-up to utilities.
18 Written consent of the property owner is required in all
19 cases.

20 B. At all times, residential use of temporary dwellings is
21 limited to recreational vehicles and movable tiny houses
22 not on a permanent foundation and used to house persons
23 displaced by the Camp Fire during the effective period
24 of this Ordinance.

25 C. Use of temporary dwellings is contingent on proof of a
26 damaged or destroyed residence as verified by the

1 Director based on prior final building permit or
2 Assessor's records, or other documentation satisfactory
3 to the Director.

4 D. At all times, temporary dwellings and cargo storage
5 containers shall be located outside the boundaries of
6 any recorded easements, roads, driveways, designated
7 flood hazard locations, or areas prone to landslide or
8 debris flow.

9 E. At all times, use of a cargo storage container shall be
10 only for storage of personal and household belongings
11 for each temporary dwelling.

12 F. For water hook-ups, the temporary dwelling shall be
13 connected to an approved source of water meeting one of
14 the following criteria:

- 15 1. Public water supply;
- 16 2. Existing well provided that it has been approved by
17 the Department of Public Health, Environmental
18 Health Division as safe for domestic consumption;
19 or
- 20 3. Other water source approved by the Town.

21 G. For sewage disposal hook-ups, the temporary dwelling
22 shall be connected to an approved sewage disposal system
23 meeting one of the following criteria:

- 24 1. Public sewer system;

2. A new or existing on-site sewage disposal system that has been approved by the Town to be intact, adequately sized, and functioning correctly;
 3. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Town and Department of Public Health, Environmental Health Division; or
 4. Other method of sewage disposal approved by the Town and the Department of Public Health, Environmental Health Division.
- H. For electricity hook-ups, the temporary dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
1. Permitted electrical service hook-up; or
 2. Other power source approved by the Director.

Section 9. Use of accessory residential structures for temporary habitation.

For the effective period of this Ordinance, accessory residential structures on an Eligible Property, which also meets Residential Group R occupancies as established by the California Residential Code adopted by the Town, may be used as interim housing for persons displaced by the Camp Fire. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Butte County, but shall remain subject to

1 all other existing regulations and limitations.

2
3 **Section 10. Use of Accommodations, Farmstays, Bed and Breakfast**
4 **Inns, Resorts, Retreats, Camps or other similar uses.**

5 Notwithstanding any contrary provision in the Paradise Municipal
6 Code or any use permit conditions, use of existing promotional or
7 marketing accommodations, farmstays, bed and breakfast inns,
8 resorts, retreats, camps or other similar visitor serving uses
9 shall be allowed on an Eligible Property as interim housing for
10 persons displaced by the Camp Fire.

11
12 **Section 11. Waiver of Town Use Permit Requirement for Relocation**
13 **of Damaged Child Care and Educational Facilities.**

14 Notwithstanding any contrary provision in the Paradise Municipal
15 Code, any existing small or large child day care facility or child
16 care center, elementary school, junior high school, high school or
17 institution of higher education that was housed in premises made
18 uninhabitable by the Camp Fire may be temporarily relocated to
19 existing buildings on an Eligible Property in the Eligible
20 Property, subject to a temporary use permit and any existing
21 applicable standards, and subject to a building permit if any
22 renovations are required. Nothing in this Ordinance waives or
23 affects any State law requirements applicable to such facilities.

24
25 **Section 12. Accessory Building Standards.**
26

1 Notwithstanding any other provision of Paradise Municipal Code
2 Title 17, while this Ordinance is in effect, an accessory building
3 may be established as a permitted land use prior to the issuance
4 of a building permit for construction of a residence upon an
5 Eligible Property located within all Agricultural Residential,
6 Rural Residential, Town Residential, and Multi-Family zoning
7 districts and shall meet the following standards:

8 A. The accessory building shall not exceed a building
9 coverage area of 10% of the lot size of the affected
10 property located in any of the Agricultural-Residential,
11 Rural Residential, one-acre minimum [RR-1] and Rural
12 Residential two-third acre minimum [RR-2/3] zoning
13 districts.

14 B. The accessory building shall not exceed a building
15 coverage area of 5% of the lot size of the affected
16 property located in any of the Town Residential, Rural
17 Residential, one-half acre minimum [RR-1/2], and
18 Multiple-Family Residential [MF] zoning districts.

19 C. At all times, the accessory building shall be located
20 outside the boundaries of any recorded easements, roads,
21 driveways, designated flood hazard locations, areas prone
22 to landslide or debris flow, and required front, rear and
23 side yard setback areas.

24 D. The accessory building shall be designed and constructed
25 to comply with Wildland Urban Interface {WUI} standards.
26

1 E. Whenever the accessory building is to exceed a floor area
2 of 120 square feet and/or to be connected to utilities
3 the property owner or the property owner's authorized
4 agent shall obtain all Town permits for subject accessory
5 building(s). Written consent of the property owner is
6 required in all cases.

7 F. Town permit applications for establishment of an
8 accessory building shall include submittal of a subject
9 property plot plan: 1) drawn to a common scale; 2)
10 designed in compliance with the Town's "minimum plan
11 standards" for residential rebuild; and 3) including
12 either a concurrent or future residential dwelling.

13 G. Before the expiration of this Ordinance, all owners of
14 accessory buildings constructed under this Ordinance
15 shall have applied for building permits to construct a
16 primary residence on the owners' property.

17
18 **Section 13. CEQA Exemption.**

19 Adoption of this Ordinance is exempt from the provisions of the
20 California Environmental Quality Act (CEQA) pursuant to California
21 Public Resources Code Section 21080(b)(3) regarding projects to
22 maintain, repair, restore, or replace property or facilities
23 damaged or destroyed as a result of a declared disaster and Section
24 21080(b)(4) regarding actions to mitigate or prevent an emergency,
25 and CEQA Guidelines Section 15269(a) regarding maintaining,
26 repairing, restoring, demolishing, or replacing property or

1 facilities damaged or destroyed as a result of a disaster stricken
2 area in which a state of emergency has been proclaimed by the
3 Governor pursuant to the California Emergency Services Act,
4 commencing with Section 8550 of the California Government Code.

5
6 **Section 14. Severability.**

7 If any section, subsection, sentence, clause, or phrase of this
8 Ordinance is for any reason held to be unconstitutional or invalid,
9 such decision shall not affect the validity of the remaining
10 portion of this Ordinance. The Town Council hereby declares that
11 it would have passed this Ordinance and every section, subsection,
12 sentence, clause or phrase thereof irrespective of the fact that
13 any one or more sections, subsections, sentences, clauses or
14 phrases be declared unconstitutional or invalid.

15
16 **Section 15. Effective Date and Publication.**

17 This Ordinance shall be and the same is hereby declared to be in
18 full force and effect immediately upon its passage by a four-
19 fifths (4/5) or greater vote. The Town Clerk of the Town of
20 Paradise is authorized and directed to publish a summary of this
21 ordinance before the expiration of fifteen (15) days after its
22 passage. This Ordinance shall be published once, with the names
23 of the members of the Town Council Members voting for and against
24 it, in the Paradise Post, a newspaper of general circulation
25 published in the Town of Paradise, State of California. A complete
26 copy of this Ordinance is on file with the Town Clerk of the Town

Council and is available for public inspection and copying during regular business hours in the office of the Town Clerk.

Section 15. This Ordinance shall expire on December 31, 2020.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 22nd day of May, 2019 by the following vote:

AYES: Greg Bolin, Steve Crowder, Melissa Schuster, Mike Zuccolillo and Jody Jones, Mayor


NOES: None

ABSENT: None

ABSTAIN: None

 Jody Jones, Mayor

ATTEST: May 23, 2019

 **APPROVED AS TO FORM:**


Dina Volenski, CMC,
Town Clerk


Dwight L. Moore,
Town Attorney